

1459

100001294

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 09-0120-2417

ELECTIONS: UNIT M-1  
(herein Subject Drilling Unit)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on July 20, 2009 which was recorded at Document #090002573 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on August 27, 2009, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein A Designated Operator) to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit M-1;

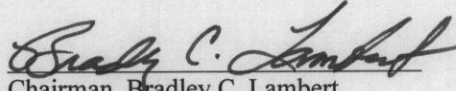
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

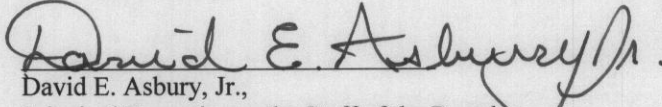
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8 day of April, 2010, by a majority of the Virginia Gas and Oil Board.

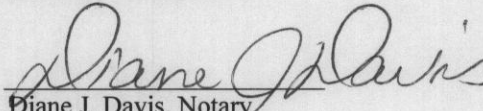
  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8 day of April, 2010, by Order of the Board.

  
David E. Asbury, Jr.,  
Principal Executive to the Staff of the Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<sup>th</sup> day of April, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2013



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit M-1  
VGOB 09-0120-2417 in the Prater District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein A Designated Operator) REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Land Resources, Inc., as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on July 20, 2009, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Lebanon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on August 27, 2009;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of July 20, 2009;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

None

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

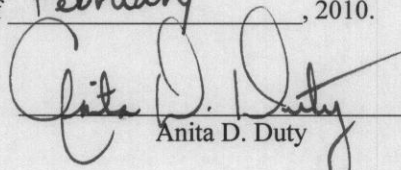
None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

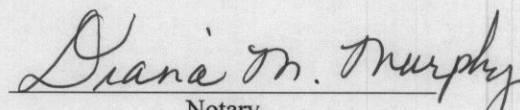
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 19<sup>th</sup> day of February, 2010.

  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 19<sup>th</sup> day of February, 2010.

  
Notary

My commission expires: December 4, 2016





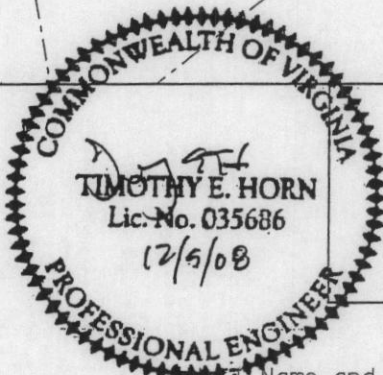
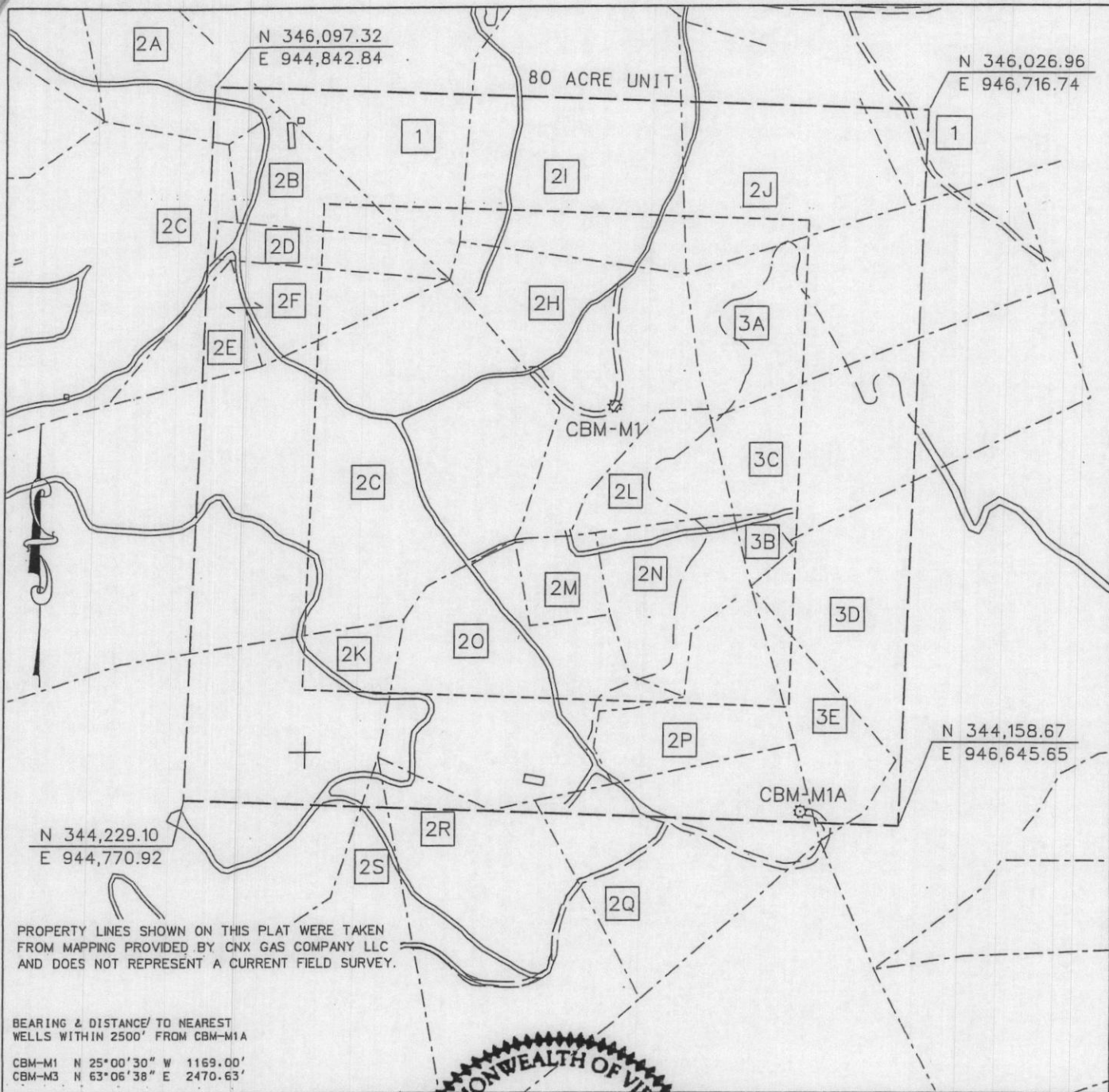


EXHIBIT A  
OAKWOOD FIELD  
UNIT M1  
FORCE POOLING  
VGOB 09-0120-2417

Company CNX Gas Company LLC Well Name and Number UNIT M1  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle VANSANT  
County BUCHANAN District PRATER Scale: 1" = 400' Date 12/5/08  
This plat is a new plat \_\_\_\_\_ ; an updated plat X ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

# CNX Gas Company LLC

## Unit M 1

### Tract Identifications

1. Consolidation Coal Company, et al Big Vein Tr. 60 (157.70 Acre Tract) – All Minerals except Oil, Gas and CBM  
Island Creek Coal Company/Consol Energy, Inc. – Coal below the Tiller Seam Leased  
Jewell Smokeless Coal Corp. – Tiller and Above Coal Leased  
Highland Resources, Inc. / North American Resources, Corp., et al – Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased (1/3)  
Plum Creek Timberlands, L.P., et al – CBM  
CNX Gas Company LLC – CBM Leased  
Rose Looney Hale Heirs - Surface  
3.25 Acres                      4.0625%
2. Consolidation Coal Company, et al Big Vein Tr. 59 (312.40 Acre Tract) – All Minerals except Oil, Gas and CBM  
Island Creek Coal Company/Consol Energy, Inc. – Coal below the Tiller Seam Leased  
Jewell Smokeless Coal Corp. – Tiller and Above Coal Leased  
Highland Resources, Inc. / North American Resources, Corp., et al – Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased (1/3)  
Plum Creek Timberlands, L.P., et al – CBM  
CNX Gas Company LLC – CBM Leased  
61.09 Acres                      76.3625%
- 2A. Unknown Surface Owner  
2B. Unknown Surface Owner  
2C. Ollie Looney - Surface  
2D. Unknown Surface Owner  
2E. Unknown Surface Owner  
2F. Unknown Surface Owner  
2G. Terry L. Owens - Surface  
2H. Patrick Roberts, et ux - Surface  
2I. Charlie Looney - Surface  
2J. Susie Ann Smith, Trustee, et al – Surface  
2K. Unknown Surface Owner  
2L. Unknown Surface Owner  
2M. Unknown Surface Owner  
2N. Unknown Surface Owner  
2O. Kermit Charles, et ux - Surface  
2P. Ray D. Looney, et ux - Surface  
2Q. Kermit Charles, et ux - Surface  
2R. Unknown Surface Owner  
2S. Unknown Surface Owner  
2T. Unknown Surface Owner
3. Miles and Green Charles Heirs- All Minerals  
Island Creek Coal Company/Consol Energy Inc. – Coal Below Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased (50%)  
15.66 Acres                      19.5750%



- 3A. Unknown Surface Owner
- 3B. Unknown Surface Owner
- 3C. Unknown Surface Owner
- 3D. Unknown Surface Owner
- 3E. Ray D. Looney, et ux - Surface

Exhibit B-3  
Unit M-1  
Docket #VGOB 09-0120-2417  
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
<b>I. COAL OWNERSHIP</b>		
<b><u>Tract #3, 15.66 acres</u></b>		
Miles & Green Charles Heirs, Devisees, Successors or Assigns	15.66 acres	19.5750%
<b>(2) Green Charles Heirs</b>		
(a) Nora & Willis Current 10 Wilmington Avenue, Apt. 142E Dayton, OH 45420	0.4350 acres 1/36 of 15.66 acres	0.5438%
(b) George & Jean Charles 1653 Lawrence Ave. Ashland, KY 41102	0.4350 acres 1/36 of 15.66 acres	0.5438%
(c) Luella Mason Charles 249 Hill-n-Dale Drive Lexington, KY 40512	0.4350 acres 1/36 of 15.66 acres	0.5438%
(d) Edith & Charles Huber 3901 Green Haven Ln. Goshen, KY 40026	0.2175 acres 1/72 of 15.66 acres	0.2719%
(e) Nancy & Douglas Justice, Jr. P. O. Box 2883 Pikeville, KY 41502	0.4350 acres 1/36 of 15.66 acres	0.5438%
(f) William J. Baird, III Box 351 Pikeville, KY 41502	0.1631 acres 1/96 of 15.66 acres	0.2039%
(g) John H. Baird Box 351 Pikeville, KY 41502	0.1631 acres 1/96 of 15.66 acres	0.2039%
(h) Charles J. Baird Box 351 Pikeville, KY 41502	0.1631 acres 1/96 of 15.66 acres	0.2039%
(i) Jane C. Baird Box 351 Pikeville, KY 41502	0.1631 acres 1/96 of 15.66 acres	0.2039%
(j) Eloise & Jack May 416 Third St. Pikeville, KY 41502	1.3050 acres 1/12 of 15.66 acres	1.6313%
(k) J.K. & Sadie Charles Park Street Pikeville, KY 41502	1.3050 acres 1/12 of 15.66 acres	1.6313%
(l) Betty Jane & Ralph Clevinger Rt. 3 Box 320 Pikeville, KY 41502	0.4350 acres 1/36 of 15.66 acres	0.5438%
(m) Emma Joe Johnson Ivel, KY 41642	0.4350 acres 1/36 of 15.66 acres	0.5438%
(n) Eugene & Cherith Charles 705 Hammond Rd. York, PA 17402-1324	0.4350 acres 1/36 of 15.66 acres	0.5438%

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**Exhibit B-3**  
**Unit M-1**  
**Docket #VGOB 09-0120-2417**  
**List of Unleased Owners/Claimants**

	Acres in Unit	Percent of Unit
(o) Ruth & James A. Friend 203 Hickory St. Nitro, WV 25143	0.6525 acres 1/24 of 15.66 acres	0.8156%
(p) Blanche E. Charles 129 Wellington Court, Suite 109 Amherst, VA 24521	0.2175 acres 1/72 of 15.66 acres	0.2719%
(q) James & Carol Charles 356 Montrose Rd. Monroe, VA 24574	0.2175 acres 1/72 of 15.66 acres	0.2719%
(r) John & Laura K. Charles 703 Suntree Drive Westerville, OH 43081	0.2175 acres 1/72 of 15.66 acres	0.2719%
<b>II. <u>OIL &amp; GAS OWNERSHIP</u></b>		
<b><u>Tract #3, 15.66 acres</u></b>		
Miles & Green Charles Heirs, Devisees, Successors or Assigns	15.66 acres	19.5750%
(2) Green Charles Heirs		
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(l) Betty Jane & Ralph Clevinger Rt. 3 Box 320 Pikeville, KY 41502	0.4350 acres 1/36 of 15.66 acres	0.5438%
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(o) Ruth & James A. Friend 203 Hickory St. Nitro, WV 25143	0.6525 acres 1/24 of 15.66 acres	0.8156%
(p) Blanche E. Charles 129 Wellington Court, Suite 109 Amherst, VA 24521	0.2175 acres 1/72 of 15.66 acres	0.2719%
(q) James & Carol Charles 356 Montrose Rd. Monroe, VA 24574	0.2175 acres 1/72 of 15.66 acres	0.2719%
(r) John & Laura K. Charles 703 Suntree Drive Westerville, OH 43081	0.2175 acres 1/72 of 15.66 acres	0.2719%

INSTRUMENT #1000001294  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 19, 2010 AT 02:26PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: SLB

10